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SUBJECT: OHCHR RUNS SLIM OPERATION IN MEXICO

REF: STATE 73948

11. (U) Summary: Minister Counselor for Political Affairs (MCCA) and PolOff met with the representative in Mexico of the United Nation's Office of the High Commissioner for Human Rights (OHCHR), Amerigo Incalcatera. The OHCHR's strategy in Mexico is to promote a human rights agenda by working with existing institutions and building governance capacity in a country that is increasingly democratic, transparent, and in many ways inclined to respect human rights but fraught with significant abuses. Incalcatera arrived in October 2005 to run an operation that is so far a one man show charged with advancing recommendations made in the 2003 comprehensive assessment of Mexico's human rights situation. His strategy is to work with government institutions to identify and enhance their ability to address human rights issues. His success will depend on his personal relationships, professional expertise, political acuteness, and the deft employment of his good offices in a country that, while opening to the world, is still suspicious of foreign interference and international criticism. This cable responds to reftel. End summary.

Status  
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12. (U) Amerigo Incalcatera, the OHCHR representative in Mexico, assumed his position in October 2005. He manages a UN office that was established in 2002 at the invitation of the Fox Administration to conduct a comprehensive assessment of human rights. At this stage the three-year mandate has expired and the office operates under global guidelines established in Geneva, with near-term focus on supporting implementation of a national human rights program, training forensic investigation techniques in torture cases, and building capacity of indigenous organizations. Incalcatera arrived in Mexico after serving as Deputy Director of the OHCHR office in Bogot . He also draws on his UN experience in southern Mexico eighteen years ago.

Strategy  
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13. (U) The OHCHR's strategy in Mexico is to promote a human rights agenda by working with existing institutions and leveraging their authority to build on the advances in human rights already made. Incalcatera specified five areas on which he will focus. (1) He is encouraging constitutional reform to conclusively define and protect human rights, banking on the constitution as the legal document that commands most respect in Mexico. (2) He is working with members of the Mexican Congress to identify existing tools - such as federal laws and international conventions - and explore ways to sharpen and utilize them. (3) He is promoting judicial reform to allow judges to exercise their full powers with respect to human rights and establish legal precedents.

(4) He is working with civil society members to build governance capacity at the state level, where impunity remains a serious issue. (5) He is maintaining an open channel to the international community, a subtle but important development in a country that until recently has been largely closed to international scrutiny and remains suspicious of foreign meddling. Incalcaterra was somewhat vague about specific implementation strategies.

#### Scrutiny

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14. (SBU) While the OCHCR initially hoped to work closely with the National Commission for Human Rights (CNDH), the Director refused to cooperate and the comprehensive assessment was done without CNDH's participation. Incalcaterra has tried to find common ground with the very nationalistic CNDH, and proposed some areas where the two might work in parallel fashion, if not together. Despite his conciliation efforts, Incalcaterra described the extremely well-funded CNDH as a body without teeth which on occasion fails to defend adequately the public's rights. Moreover, he suggested the Commission has political motivations that sometimes can be an impediment to its human rights work. Incalcaterra explained that he had plans to work with the political parties in the Mexican Congress who have the power to influence the Commission's mandate, particularly in defining clear standards of human rights and how the Commission should identify and respond to violations of these standards.

#### Comment

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15. (SBU) While Incalcaterra made a positive impression in

MEXICO 00003267 002 OF 002

expressing his ideas for the improvement of human rights in Mexico and in his understanding of how the political system functions, his programmatic activities and objectives remained vague. His efforts to define common ground with CNDH, build ties with Congress, and reach out to states are somewhat hampered by the current fixation on elections. Incalcaterra was firm that his mandate was not to close out the office but to help inculcate respect for human rights inside Mexican institutions and NGOs.

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